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OFFICE OF PETITIONS

In re Application of
Ahmed, et al. :
Application No. 10/772,138 :
Filing Date: 3 February, 2004 :
Attorney Docket No. HRL126 :

This is a decision on the petition filed on 8 November, 2004, and in light of the allegations is considered under 37 C.F.R. §1.182.¹

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.182 is **GRANTED in part** and **DISMISSED in part**.

BACKGROUND

Petitioner alleges that his response to the Notice of Missing Parts, mailed on 5 May, 2004, was complete and that the Office should so declare.

NOTE: Petitioner may wish to review Office records of this and any other of Petitioner's applications in Private PAIR (<http://portal.uspto.gov/external/portal/pair>) to note, *inter alia*, status of applications.

¹ The regulations at 37 C.F.R. §1.182 provide:

§ 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Commissioner, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in §1.17(h). [47 Fed. Reg. 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

Thereafter Petitioner needed to pay the late-filing surcharge (\$130.00) and the four- (4-) month extension of time (\$1,530.00) necessary to make timely the November 2004 response.

Charges to be assessed are the previously uncharged filing fee and excess claims charges, the extension of time fee, the surcharge and the petition fee, are as follows:

Basic Filing Fee and Fees for Excess Claims	\$2,852.00
Extension of Time	1,530.00
Late Filing Surcharge	130.00
Petition Fee	130.00
Total	\$4,642.00

(Because Petitioner's errors in calculation and authorization contributed to this matter the petition fee will not be refunded.)

Petitioner authorized in his November 2004 filing a credit card charge totaling \$4,662.00, and the Office has charged that amount—including funds in suspense.

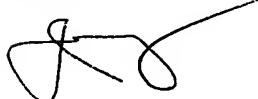
Thus, it appears that Petitioner has made an over-authorization/overpayment of \$20.00.

CONCLUSION

Therefore, the petition under 37 C.F.R. §1.182 is granted to the extent that the Office acknowledges Petitioner's timely submission of authorization for the basic filing fee and fees for excess claims, and dismissed all other particulars, and the \$20.00 overpayment is placed in suspense as a credit against a future charge.

The application is released to OIPE to for processing consistent with this decision before being forwarded for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions